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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,507	09/10/2003	Akihiko Ito	S004-5098	3606

7590 02/07/2005

ADAMS & WILKS
31st Floor
50 Broadway
New York, NY 10004

EXAMINER

PEGGINS, KRISTAL J

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

OK

Office Action Summary	Application No.	Applicant(s)	
	10/659,507	ITO, AKIHIKO	
	Examiner	Art Unit	
	K. Feggins	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/5/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claim 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by Mori (US 6,765,602 B2).

Mori discloses the following claimed limitations:

* regarding claim 1, a thermal printer/50/ in which printing is performed while paper is sandwiched between a thermal head/54/ having a heating element and a platen roller (col 4, lines 13-29, figs 4A, 4B);

* a first frame/51/ that movably/pivots/ holds the head support body/55/;

* biasing member/spring member, 56/ that is formed between the head support body/55/ and the first frame/51/ and generates a pressing force between the thermal head/54/ and the platen roller/60/;

* a second frame/50/ that holds the first frame and the platen roller/60/, wherein the thermal head/54/, the head support body/55/, and the biasing means/56/ are detachably attachable to the second frame in the state of being assembled with the first frame (lifts out of second frame by knob, 33/ (see figs 5, 6A, 6B, 12).

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* regarding claim 2, wherein the second frame/50/ is provided with a receiving groove for holding a rotating shaft of the platen roller/the platen roller is supported by the cover which is part of the thermal print unit, 50/;

* the first frame has a hook portion/72,73/ that is hooked round a component held in the receiving groove, and also serves as lock member that locks the platen roller to prevent it from being released from the receiving groove (col 4, lines 23-67, col 5, lines 21, figs 5-10).

* regarding claim 3, wherein attachment and detachment of the first frame and second frame are made possible through opening and closing of a fixture that enables fixation and release with one operation or through attachment and detachment of a screw (col 3, 46-65, figs 2-4).

Allowable Subject Matter

3. Claims 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter of claims 4-5 is the inclusion of the limitations of a thermal printer that includes retainment of the fixing means is released to make the support shaft slid in the movable range, whereby the support shaft is made to fall out from the bearing hole of the second frame while the support shaft is passed through the first frame and the head support body to make the first frame removable from the second frame. It is this limitation found

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in the claim, as it is claimed in the combination of that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sekiya (US 6,249,302 B1) disclose a thermal printing having a platen roller that cannot be removed from the frame. Mori et al. (US 6,450,714 B2) disclose a thermal printer with a movable platen by a pin. Louis (6567113 B2) discloses an openable and lockable thermal printer device.

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Communication With The USPTO

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Feggins whose telephone number is 571-272-2254. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talbott Dave can be reached on 571-272-1934. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



K. Feggins
Primary Examiner
February 2, 2005